

May 27, 2003

Daniel J. Berman, Assistant Division Administrator
Federal Highway Administration
380 Westminister Mall
Providence, Rhode Island 02903

RE: Final Environmental Impact Statement Sakonnet River Bridge Rehabilitation or Replacement Project, Portsmouth & Tiverton, Newport County, Rhode Island

Dear Mr. Berman:

The Environmental Protection Agency-New England Region (EPA) has reviewed the Federal Highway Administration's (FHWA)/Rhode Island Department of Transportation's (RIDOT) Final Environmental Impact Statement (FEIS) for the consideration of various alternatives to rehabilitate or replace the Sakonnet River Bridge between Portsmouth and Tiverton, Rhode Island. We submit the following comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

EPA provided scoping comments on the project in November 1999 that encouraged FHWA/RIDOT to prepare a comprehensive analysis of project alternatives, impacts to wetlands, water and air quality and a discussion of project phasing as a means to reduce impacts during construction. In September 2001 we submitted comments on the Draft Environmental Impact Statement (DEIS) that requested additional information on a number of outstanding wetland, water and air quality, fisheries and marine/navigation issues. Our comments on the DEIS provided the context for our review of the FEIS.

We appreciate the efforts of the RIDOT to provide responses to our comments on the DEIS in both the FEIS and the April 23, 2003 letter to EPA. While we do not object to the selection of Alternative 5 as the preferred alternative, we do have several comments and questions (presented below) that we believe should be addressed prior to the conclusion of the NEPA process for this project.

Water Quality

Our comments on the DEIS recommended that RIDOT take advantage of the opportunity provided by the construction of a new bridge to design and implement more sophisticated storm water controls than those provided by the existing structures. The response provided by RIDOT states that since existing storm water loadings have not been identified as affecting water quality, further discussion of storm water controls has not been included in the FEIS.

Nonetheless, the FEIS does signal the intention to incorporate more sophisticated storm water controls in the final bridge design in an effort to meet changes to RI's National Pollutant Discharge Elimination Permit (NPDES) program as a result of the State's implementation of phase II storm water regulations (FEIS, p. 4-29). Specifically, the FEIS indicates on page 4-30 that "any additional sediment load in excess of the existing would be treated prior to discharge into the river." It is unclear, however, how this excess loading will be estimated. The long-term increases in impervious area and total run-off rates for the various alternatives are described on Table 4-13 of both the DEIS and FEIS. Interestingly, in the FEIS, for Alternative 5, an additional long-term flow of 15.82 cfs from an increase in impervious area of 3.2 acres is predicted; the DEIS, however, predicted long-term flow rates of 64.4 cfs from its estimated 1.9 additional acres of impervious land. The reasons for these differences are not clearly explained in the text of the FEIS.

The FEIS description of the management plan for excess storm water has improved over the treatment of this issue in the DEIS. However, the FEIS does not address other pollutants besides sediments nor the probable impacts associated with the existing storm water discharges. This is despite the fact that the FEIS acknowledges that discharges of storm water already contribute to impairment of project area wetlands (*i.e.*, the discussion of wetland C-4, FEIS, page 4-32, acknowledges that while this is one of the "more valuable" wetlands in the project vicinity, it is adversely affected by drainage outfalls and paved waterways that discharge untreated storm water). Though the State may not have specific data regarding the impact of the existing storm water discharges from the Sakonnet Bridge, storm water discharges are widely recognized as a significant cause of water quality violations in many waters of the U.S. We believe this bridge project represents a rare opportunity to address existing discharges in a manner that would likely not be possible in the absence of this project and we continue to encourage RIDOT/FHWA to take advantage of the situation to address the potential impacts of all the storm water associated with this project.

Air Quality

Our air quality comments on the DEIS addressed three major areas—a rail right of way on the bridge, carbon monoxide estimates, and emissions from diesel construction equipment. We appreciate the responsiveness of the FEIS and RIDOT letter to our comments. In addition, we appreciate the request for additional EPA assistance to suggest appropriate construction equipment retrofitting device specifications and contract stipulations that could be incorporated into the project.

As you know, the primary goal of these retrofit efforts is to reduce emissions from nonroad construction equipment and to keep emissions from on-road vehicles as low as possible. The following suggested measures will bring about significant emission reductions of diesel particulate matter and other pollutants:

- All diesel vehicles and construction equipment for the project should use diesel fuel with a maximum sulfur content of 500 PPM. This is the fuel currently used in trucks and busses. This fuel can be used safely in construction equipment;
- Non road vehicles should do one of the following:
 - a) utilize devices described in EPA's Verified Retrofit Technology List—the list can be found at <http://www.epa.gov/otaq/retrofit/retroverifiedlist.htm>, or
 - b) utilize clean fuels such as clean fuels such as PuriNOx or other low NOx PM10 fuels that can be used without engine modifications;
- Vehicles should not idle except when necessary, but no longer than five minutes.

EPA would be pleased to meet with FHWA/RIDOT and RIDEM to help work out specific specifications and language for this project and we encourage RIDOT to commit to these air quality improvement measures in the Record of Decision for the project. Attachment A to this letter includes sample contract language from a Connecticut transportation project. Please contact Peter Hagerty of EPA New England at 617-918-1049 to set up a time to meet to continue discussions on this important topic.

Wetland Impacts

EPA looks forward to continued coordination with FHWA/RIDOT and the RIDEM with respect to wetland mitigation issues associated with the project proposal. Limited on site mitigation opportunities lead us to believe that RIDOT should seriously consider off site mitigation options including assistance with the Boyd's Marsh/Town Pond or Lonsdale Marsh Restoration projects. Please contact Melvin Peter Holmes of EPA New England at 617-918-1397 to coordinate further on wetland mitigation strategies for the proposed project.

Bridge Removal and Disposal

EPA's comments on the DEIS asked for information to detail how the existing bridge and trestle would be dismantled and where it would be disposed. The FEIS and RIDOT letter indicate that the discussion related to the removal process, impacts and mitigation would be performed under a separate contract at a later date. We continue to view the potential for impacts from bridge

removal and disposal as a relevant part of the analysis even if the actual work and impacts might occur at a different time than the bridge construction work. In such a case, those impacts could be considered as a cumulative impact that warrants attention as part of this analysis.

Thank you for the opportunity to comment on this project. EPA is willing to work with FHWA/RIDOT to work on the issues identified in this letter in advance of the issuance of the Record of Decision for this project. Please contact Timothy Timmermann of EPA's Office of Environmental Review at 617-918-1025 if you have any questions regarding our comments.

Sincerely,

Robert W. Varney
Regional Administrator

attachment
cc:

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